

BEFORE THE  
COMMISSION ON STATE MANDATES  
STATE OF CALIFORNIA

RECONSIDERATION OF PRIOR DECISION  
ON:

Government Code Sections 3300 through 3311, as added and amended by Statutes 1976, Chapter 465; Statutes 1978, Chapters 775, 1173, 1174, and 1178; Statutes 1979, Chapter 405; Statutes 1980, Chapter 1367; Statutes 1982, Chapter 994; Statutes 1983, Chapter 964; Statutes 1989, Chapter 1165; and Statutes 1990, Chapter 675; and,

Directed by Government Code Section 3313, as added by Statutes 2005, Chapter 72 (Assem. Bill No. 138, § 6, eff. July 19 2005).

Case No.: 05-RL-4499-01

*Peace Officers Procedural Bill of Rights*

**NOTICE OF COMMENT PERIOD FOR  
DRAFT STAFF ANALYSIS AND NEW  
HEARING DATE**

HEARING DATE: April 26, 2006

TO: League of California Cities  
California State Association of Counties  
Department of Personnel Administration  
Department of Finance  
State Controller's Office  
State Personnel Board  
Legislative Analyst  
Interested Parties  
Legislative Committees

Government Code section 3313, as added by Statutes 2005, chapter 72 (Assem. Bill No. 138, § 6, eff. July 19, 2005), requires the Commission on State Mandates to reconsider its decision regarding the *Peace Officers Procedural Bill of Rights* test claim, as specified, and make any modifications necessary.

**Draft Staff Analysis and Comments**

The draft staff analysis and any supporting documentation will be posted to the Commission's website by February 24, 2006: <http://www.csm.ca.gov/reconsiderations/mandate.htm>

Interested parties, affected state agencies, and interested persons are invited to file comments with the Commission on the draft staff analysis by March 17, 2006.

An original and one copy, or an original and an Adobe Acrobat PDF file, shall be submitted to the Commission. PDF files should be e-mailed to: [csminfo@csm.ca.gov](mailto:csminfo@csm.ca.gov). The comments will be posted on the Commission's website. This will satisfy all the service requirements under California Code of Regulations, title 2, section 1181.2, subdivision (d).

Comments on the draft staff analysis must comply with the following requirements:

- Assertions or representations must be supported by documentary evidence and must be authenticated by declarations under penalty of perjury signed by persons who are authorized and competent to do so and must be based upon the declarant's personal knowledge or information or belief.
- If the comments cite to federal or state laws, regulations, executive orders, or court decisions, copies of those documents must be included in the filing. Court decisions that involve the Board of Control or the Commission on State Mandates are exempt from this requirement.

### **Commission Hearing**

The Commission will hear and determine this reconsideration and may adopt the proposed revised statement of decision on April 26, 2006. The final staff analysis and proposed revised statement of decision on the reconsideration will be issued and posted to the Commission's website on or about April 12, 2006. If a decision is not adopted, the proposed revised statement of decision will be set for adoption at the May 25, 2006 hearing.

The hearing procedures in article 7 of the Commission's regulations in effect at the time of the hearing will apply to this reconsideration. Since this reconsideration was directed by statute and not requested pursuant to Government Code section 17559, subdivision (a), the hearing procedures set forth in section 1188.4 do not apply in this case. (Cal. Code of Regs., tit. 2, § 1188.4, subd. (j), eff. Sept. 6, 2005.)

Representatives of interested parties and affected state agencies and the Legislature will be asked to notify the Commission staff if they wish to testify. Time limits may be imposed if necessary.

### **Parameters and Guidelines**

The Commission, if necessary, shall revise its parameters and guidelines to be consistent with this reconsideration. Any party may develop a reasonable reimbursement methodology pursuant to Government Code section 17518.5 for inclusion in the parameters and guidelines. A prehearing conference may be scheduled if requested by any party. See sections 1183.04, 1183.13, and 1187.4 of the Commission's regulations.

If you have any questions regarding this matter, please contact Assistant Executive Director, Nancy Patton, at (916) 323-8217.

Dated: February 24, 2006

---

PAULA HIGASHI, Executive Director